

JUDGE LASNIK
MAGISTRATE JUDGE BENTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL AMBAW, et al.

Defendants.

CASE NO. CR 05-260 L

DEFENDANT ERICKSON'S MOTION
FOR ORDER SETTING CONDITIONS
OF RELEASE

NOTE FOR: October 24, 2005

EVIDENTIARY HEARING REQUESTED

Defendant MATTHEW ERICKSON by and through his undersigned counsel, moves this court for an order directing his pre-trial release under pre-trial supervision conditions and into the custody of defendant's step grandmother, Janet Davis who has agreed to help supervise the defendant while he lives at her and her husband's (Ralph Davis, defendant's maternal grandfather) home. Defendant has been interviewed by PTS, and although we have requested a recommendation, we are presently unaware of the position taken by the assigned PTSO, Kelly Neumeister. While under PTS supervision, drug conditions, mental health/drug treatment counseling and school/work/training should be required and as deemed appropriate by the PTSO.

DEFENDANT ERICKSON'S MOTION FOR
ORDER SETTING CONDITIONS OF RELEASE

- 1

LAW OFFICES OF
KENNETH E. KANEV
1001 4TH AVENUE, SUITE 2120
SEATTLE, WASHINGTON 98154-1109
206-223-1355(V) 206-583-2278(F)

1 The defendant was ordered detained at his initial appearance September 9. His trial
 2 is set for March 6, 2006. At the initial appearance defense counsel specifically noted that in
 3 light of what AUSA Greenberg had reported—that the defendant had been brought by writ from
 4 state DOC custody—we did not then oppose the detention order the government sought. The
 5 court’s detention order, in fact notes an “uncontested detention hearing” was held. Indeed, the
 6 court’s order emphasized the “important fact that defendant is serving a sentence at the
 7 present time”. Subsequently undersigned counsel confirmed with the US Marshals Service
 8 (attn Cheryl Strong) that the defendant is “not going to be returned to Shelton” and that the only
 9 DOC interest has is for follow up community supervision. Defendant served 4 months at
 10 Shelton. It is reported that community placement with Mr. and Ms. Davis has the approval of
 11 DOC. Consequently we believe that it is an appropriate living situation for this 19 year old,
 12 given he previously lived with these grandparents as a juvenile.

13 We ask for a further and expeditious review of the defendant’s detention status. Under
 14 18 U.S.C. sec. 3142(f) the detention hearing may be reopened when, as here, new
 15 information is sought to be presented that would have a material bearing on the questions of
 16 defendant’s flight risk and safety. Moreover, a prompt resolution of our pending request would
 17 be in keeping with the spirit of the Act. See. e.g. sec. 3142 (favoring release to detention);
 18 3142(f) (requiring detention hearing to be held “immediately upon the person’s first
 19 appearance”) ; and 3145 (b)(motion to review detention order “shall be determined promptly”
 20 by the district court).

21 DATED this ____ day of October, 2005.

22 Respectfully submitted,

23 /s/

24 _____
 25 Kenneth E. Kanev
 26 Attorney for Defendant MATTHEW ERICKSON

DEFENDANT ERICKSON’S MOTION FOR
 ORDER SETTING CONDITIONS OF RELEASE

CERTIFICATE OF SERVICE

I certify that on October 17, 2005 I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys of all other parties of record.

s/ KENNETH E. KANEV

KENNETH E. KANEV

Attorney for defendant MATTHEW ERICKSON

1001 4TH Avenue # 2120

Seattle WA 98154

Phone: 206-223-1355

Fax: 206-583-2278

E-mail: kanevlaw@speakeasy.net

DEFENDANT ERICKSON'S MOTION FOR
ORDER SETTING CONDITIONS OF RELEASE

-3

LAW OFFICES OF
KENNETH E. KANEV
1001 4TH AVENUE, SUITE 2120
SEATTLE, WASHINGTON 98154-1109
206-223-1355(V) 206-583-2278(F)